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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,174	08/05/2003	Leonard Forbes	1303.102US1	6342
7590 07/27/2004			EXAMINER	
Schwegman, Lundberg, Woessner & Kluth, P.A. Attn: Marvin L. Beekman P.O. Box 2938 Minneapolis, MN 55402			GARCIA, JOANNIE A	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,174	<b>Applicant(s)</b> FORBES, LEONARD	
	<b>Examiner</b> Joannie A Garcia	<b>Art Unit</b> 2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.  
     4a) Of the above claim(s) 26-35 and 42-45 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 6-10, 15-18, 19-21, 36-41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040723</u> . | 6) <input type="checkbox"/> Other: ____.  |

Applicant's election without traverse of claims 1-25, and 36-41, in the reply filed on 04-19-04 is acknowledged.

Claims 1-10, 19-21, and 36-41, are objected to because of the following informalities: In claims 1, 19, and 36, lines 4, 8, and 4, respectively, "strained silicon" should be followed by --layer--. It is unclear what is recited in claims 2-4, and 12-13, since how vertical isolation in a layer (i.e., the silicon strained layer) is going to be performed in such layer, if that layer hasn't been formed yet (i.e., the silicon strained layer). Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, and 11-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Hammond et al (US 2003/0013323 A1).

Hammond et al discloses forming a relaxed SiGe layer 14 above a substrate 12 by growing (Figure 1, and Paragraph 0019), forming a strained silicon layer 20 above the relaxed SiGe layer by growing (Figure 1, and Paragraph 0019), forming at least one recess in the substrate to laterally isolate the strained silicon layer (Figure 3), and vertically isolating the strained silicon layer from the substrate by undercutting (Figure 5, and Paragraph 0024).

Hammond et al discloses, as well, forming a gates 44 and 46 above the strained silicon layer, following the formation of a recess step (Figure 10, and Paragraph 0026).

Claims 6-10, 15-18, 20, 21, and 37-41, would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 19 and 36 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

Claims 22-25 are allowed.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956 until 2/4/04. See MPEP 203.08.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Joannie Adelle García whose telephone number is (571) 272-1861. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached on (571) 272-1855. The fax number for this group is 703-872-9306 for before final submissions, 703-872-9306 for after final submissions and the

Application/Control Number: 10/634,174

Page 4

Art Unit: 2823

customer service number for group 2800 is (703) 872-9317. Updates can be found at

<http://www.uspto.gov/web/info/2800.htm>.



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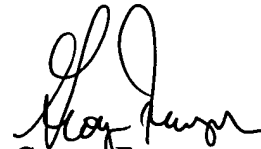
July 23, 2004

George Fourson

Primary Examiner

Art Unit 2823

(571) 272-1860



George Fourson

Primary Examiner

Art Unit 2823